

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL S. MAPES, et al.,)	
)	
Plaintiffs)	8:07CV77
)	
vs.)	ORDER
)	
WELLINGTON CAPITAL GROUP,)	
)	
Defendant.)	

This matter is before the court on the defendant's "Rule 72.2d Motion to Stay Enforcement of Order (Filing 48)." **See** Filing No. 51. The defendant filed an index of evidence in support of the motion. **See** Filing No. 52. The plaintiffs did not respond to the motion.

On March 4, 2008, the court entered an order (Filing No. 48) denying, in part, the defendant's Motion to Quash (Filing No. 40). The order denied the defendant's motion to quash the deposition notice of Frank Amodeo. The defendant was to make Mr. Amodeo available for his deposition within thirty days of the order. Also as part of the order, the court granted the plaintiffs sanctions against the defendant to include that the deposition of Mr. Amodeo take place in Omaha, Nebraska.

On March 5, 2008, the plaintiffs filed a notice of deposition for Mr. Amodeo's deposition to take place on March 26, 2008, in Omaha, Nebraska. **See** Filing No. 49. On March 17, 2008, the defendant filed an appeal of the March 4, 2008 Order and the instant motion to stay enforcement. **See** Filing Nos. 50 and 51. Specifically, the defendant seeks a stay of the March 4, 2008 Order imposing sanctions, including the location of the deposition. Pursuant to NECivR 72.2(d), the magistrate judge who issued the order may, upon motion, stay enforcement pending resolution of the issue on appeal. While waiting response time on the motion to stay, on March 25, 2008, the defendant filed a motion for protective order (Filing No. 58) with an index of evidence (Filing No. 59). The motion for protective order, pursuant to Federal Rule of Civil Procedure 26(c) similarly seeks delay of Mr. Amodeo's deposition. The plaintiffs have not filed any opposition to the motion. Upon consideration,

IT IS ORDERED:

1. The defendant's motion to stay (Filing No. 51) is granted.
2. The defendant's motion for protective order (Filing No. 58) is granted.
3. Unless otherwise ordered by resolution of the defendant's appeal, the defendant shall make Mr. Amodeo available for deposition upon notice of the plaintiffs, as earlier ordered, within thirty days of the resolution of the appeal.

DATED this 5th day of April, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge